

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DONTAE DANIELS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-06-406-F
)	
JOHN WHETSEL, Sheriff, et al.,)	
)	
Defendants.)	

ORDER

On June 30, 2006, Magistrate Judge Argo entered a Report and Recommendation (doc. no. 11), wherein he recommended that plaintiff's action under 42 U.S.C. § 1983 be dismissed without prejudice to refiling due to the failure of plaintiff to pay the initial partial filing fee of \$5.08 and the failure of plaintiff to show cause for his failure to do so.


On July 26, 2006, the court entered an order deferring a ruling on the Report and Recommendation and granting plaintiff an extension of time, until August 10, 2006, to send the initial partial filing fee of \$5.08 to the court clerk. The court advised plaintiff that he must take whatever steps are necessary to have the agency having custody over him send the initial partial filing fee to the court clerk. The court further advised that if plaintiff failed to send the initial partial filing fee to the court clerk by August 10, 2006, and failed to show cause for his failure to send the court clerk the initial partial filing fee, the court would accept Magistrate Judge Argo's Report and Recommendation and dismiss plaintiff's case without prejudice to refiling.

To date, plaintiff has not sent the initial partial filing fee to the court clerk and has not shown cause for his failure to send the court clerk the initial partial filing fee. Accordingly, the court accepts Magistrate Judge Argo's Report and Recommendation.

IT IS THEREFORE ORDERED that the Report and Recommendation issued by United States Magistrate Judge Doyle W. Argo on June 30, 2006 (doc. no. 11) is **ACCEPTED**.

IT IS ALSO ORDERED that the above-entitled action is **DISMISSED WITHOUT PREJUDICE**.

ENTERED this 11th day of August, 2006.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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